



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE AND CONSUMERS

Directorate C : Fundamental Rights and Union Citizenship
Unit C1 : Fundamental Rights and Rights of the Child

"Tolerance and respect: preventing and combating antisemitic and anti-Muslim hatred in Europe"

Annual Colloquium on Fundamental Rights

1-2 October 2015

Public Consultation summary report

This summary underlines the main outcomes of a public consultation organised by the Commission between 1 April and 31 May 2015 in preparation for the Colloquium. 57 organisations contributed to the public consultation on the basis of a questionnaire¹. The European Network Against Racism (ENAR) consolidated input from 17 organisations. The full contributions can be found on the Colloquium's website http://ec.europa.eu/justice/events/colloquium-fundamental-rights-2015/index_en.htm.

1 - The large majority of data provided by respondents points to a considerable increase in hate crime or speech against both the Jewish and Muslim communities. Discrimination is underlined by many respondents as severely felt by the Muslim population, especially women.

2 - Although the underlying factors of each phenomenon are largely agreed upon, views diverge on whether a specific or a common response to antisemitism and anti-Muslim hatred is needed. A large number of respondents consider that though these are different phenomena, they can be addressed under the same legal framework. Others feel that specific measures need to be taken to address certain specificities of these phenomena. One Jewish organisation for example asks for the nomination of a special Envoy on antisemitism and for an EU Task Force on antisemitism while two others request a common, EU acknowledged, definition of antisemitism. However, the vast majority of the contributors consider that the best option would be to combine a common response with targeted actions addressing the specificities of each phenomenon.

3 - Beyond security measures that are necessary to improve the feeling of security amongst Jewish and Muslim communities, many contributors express the need to raise awareness in the light of perceived lack of concern from civil society and governments. They call for a clear communication on a common approach to tackle racism, prejudice, etc.

4 - A majority of respondents strongly request further action to ensure the correct transposition and implementation by Member States of existing EU legislation combatting discrimination, hate crime and hate speech. They also highlight the importance of ensuring enforcement at national and local level.

5 - A big number of respondents also urge for better and more effective data collection and sharing by national authorities on antisemitic and anti-Muslim incidents and cases of discrimination, in cooperation with civil society organisations. They explain that data at hand is patchy and Member

¹ http://ec.europa.eu/justice/fundamental-rights/files/annual_colloquium_questions_en.pdf

States have diverse methodologies which do not disaggregate specifically the ground of religion or render useful comparisons difficult.

6 - There is a general consensus that one of the main obstacles in the fight against hate crime and speech is underreporting by victims. Reasons put forward are: lack of awareness, lack of trust, insufficient victims' support, difficulties in access to justice, access to a lawyer or access to interpretation and fear of lack of follow-up/impunity. A number of respondents put forward the supportive role that civil society can play in this area, in line with the new EU Victims' Rights Directive. Several contributors stress the need for more active investigation of offences and prosecution of perpetrators followed by severe sentences, although some contributors also underline the efficiency of alternative sanctions such as training, community service, etc.

7 - A majority of respondents call for reinforced coordination and cooperation on these issues between the police, Jewish and Muslim communities, civil society organisations, schools, social workers, etc. to address security issues and to address grassroots incidents and discrimination.

8 - A majority of respondents underline the need for targeted action on online hate speech: filling legislative gaps, reinforcing dialogue with IT companies, training social network moderators to develop better awareness or response, taking down hate speech content and punishing/sanction perpetrators. Monitoring of incidents is needed to understand trends and inform effective policies. Initiatives supporting anti-racist hotlines, codes of conduct and filtering software could also be encouraged.

9 - The role of the media is also strongly underlined in promoting an inclusive narrative, encouraging diversity and doing away with stereotypes and prejudices.

10 - Education is flagged in almost all contributions as one of the most relevant means to prevent racism and xenophobia and foster inclusion and mutual understanding. Respondents propose increasing "religious literacy" and human rights and values awareness in school curricula as well as in public administrations, including EU institutions. With regard to extra-curricular activities, respondents suggest exchanges between people from different cultural and religious backgrounds to work together on projects of common interest and learn about each other "by doing". The importance of non-formal learning experiences is underlined by a number of respondents. Respondents also actively recommend teacher-training with regard to work with children of different origins and faiths in an inclusive manner.

11 - The need to train officials (judges, prosecutors, lawyers, police officers) on existing legislation emerges from several contributions. Partnerships between the police, the justice system and equality bodies are needed in this area.

12 - The role of local authorities is widely underlined in encouraging the reporting of discrimination, providing funds, launching preventive campaigns in schools and fostering inclusion in employment and beyond.

13 - Most respondents underline that civil society organisations, Equality bodies and other relevant anti-discrimination networks need to be further supported, also financially. While youth organisations and small grass root cross-community projects at the local level are highlighted as particularly relevant, it is also pointed out that access to funding for such projects is challenging.

14 - The role of religious leaders in engaging in the breaking of stereotypes and developing counter-narratives is also emphasised by many respondents. Seminars for religious leaders and the need to

empower a network of young progressive leaders are among the examples given. One Jewish organisation in particular emphasised the need to ensure that training takes place in Europe and that religious leaders are paid in Europe. They also propose the establishment of a body of religious discourse on extremism and call for more transparency and monitoring regarding funding.

15 - A vast majority of contributors acknowledge the problem of discrimination in the field of access to employment, particularly relevant for Muslim women whose job applications are sometimes rejected on the basis of their religious practices, such as wearing the veil or some other religious symbols. Some respondents call for the adoption of new diversity charters by private companies and Member States that have not yet done so and other initiatives to promote diversity in the workplace such as awards, mentoring, training, etc. Enhanced cooperation with employers and trade unions and equality bodies is also seen as important. A few respondents more specifically call for an exchange of best practices on how to "accommodate" religious diversity, i.e. food, religious symbols and holidays.

16 - There is also a strong call for a political push in favour of the adoption of the proposed Horizontal Equal Treatment Directive aimed at ensuring protection against discrimination based on age, religion, sexual orientation and disability in the areas of social protection, education and access to goods and services (i.e. beyond the world of work). A few organisations wished to extend the concept of "reasonable accommodation" to all grounds, including in the field of employment.

17 - In tackling the issues raised above, most respondents emphasise the importance of exchanging best practices, for instance on national action plans to combat racism and xenophobia, especially in education, employment and housing and on the way national authorities, including national judges, implement the legislation as this varies quite considerably from one Member State to another. With regard to religious attire in the public space - which Member States regulate in very diverse ways - a number of respondents call for a common European position.



Fundamental rights

- DISCUSSION NOTE -

Session II.a: Tackling hate speech in a connected world

At the centre of this session is the worrisome increase of antisemitic and anti-Muslim hate speech online. The session will discuss freedom of expression in a democratic society and limits thereto, the role of the media, the challenges and opportunities posed by the nature of the internet and the need and feasibility of counter-narratives. Given the increasing importance of social media platforms, this session will engage with IT companies' current policies, as well as the challenges posed by different legal systems' regulation of speech online. It will also examine online anonymity, the question of liability of internet service providers and the added value of developing a EU level dialogue to identify solutions.

Considering the important technological, legal and political developments over the past years, the Commission announced, in its Digital Single Market Strategy in May this year, its intention to analyse the need for new measures to tackle illegal content on the internet. This includes a reflection as to whether the adoption of EU-level rules regulating the removal of content or the disabling of access to information, also known as 'notice and take down procedures', is necessary and desirable to bring coherence to the patchwork of national laws and practices. Keeping in mind the key principles on which Europe's democratic, free societies are founded, the panel will also reflect on the role of the media, the importance of media literacy in stimulating inclusive narratives, avoiding stereotypes and prejudices and promoting diversity.

Indicative questions to steer the discussions:

- 1 – Do the principles enunciated by European and national courts and legislation clearly draw the line between protected speech and speech which may be sanctioned in a democratic society?
- 2 – Beyond monitoring the transposition and implementation of EU legislation, to what extent should incitement to racial violence and hatred, the threat of violent extremism and terrorism require further regulatory actions? Do these threats require further coordination actions? Are Member States' current actions sufficient?
- 3 – What have been the main threats to freedom of expression in this context? Are national authorities striking the right balance between guaranteeing freedom of expression and addressing racist hate speech?
- 4 – Are self-regulatory responses adopted by industry sufficient or desirable?
- 5 – How would counter-narratives be effective and best received by youngsters and the population at large? Should these be bottom-up initiatives or is there a need for public authorities to intervene?
- 6 – In what way can the media contribute to promote tolerance and other EU values as well as to counter bigotry and stereotypes?



Session II.b: Fostering equality legislation and promoting non-discrimination policies

The session will identify the main obstacles to countering discrimination based on religion, belief and/or ethnic origin in the employment field and beyond. It will offer a platform where the main stakeholders, local, national and international authorities, equality bodies, business and civil society will discuss challenges and avenues to combat discrimination and accommodate religiously motivated practices, such as relating to clothing, food, symbols and holidays. The session aims at enhancing cooperation between the main actors in order to better implement equality legislation, exchange best practices and fight against underreporting, deficiencies on monitoring and lack of data collection.

Discussions in this session will serve to highlight the role of employment in fostering social inclusion, diversity and non-discrimination. Specific attention will be paid to the need of applying existing EU legislation correctly, such as the Employment directive and the Racial Equal Treatment directive. This session will also look at the added value of the pending Horizontal Equal Treatment directive aimed at ensuring protection against discrimination based on age, religion, sexual orientation and disability in the areas of social protection, education and access to goods and services.

Indicative questions to steer the discussions:

- 1 – What type of discriminatory obstacles Jews and Muslims experience most frequently in the field of employment and in other fields such as education or access to housing?
- 2 – How could the society adjust to an increasing diversity? What is the society at large ready to accommodate for a better "living together"?
- 3 – What are/could be concrete measures to be taken by businesses (in public and private employment) and by social partners to facilitate and encourage inclusion of ethnic and religious minorities and foster mutual understanding and how could they be disseminated?
- 4 – How could the current existing antidiscrimination legislation be better implemented?
- 5 – What are the main gaps and obstacles (legislative, political, administrative, or financial) to fill to counter discrimination based on religion, belief and/or ethnic origin in practice? How can such gaps be tackled at EU level?